

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<p>IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION</p> <p><i>This Document Relates to:</i></p> <p><i>All Cases Naming Auburn Pharmaceutical Company as a Defendant, as Reported Herein</i></p>	<p>MDL No. 2804</p> <p>Case No. 17-md-2804</p> <p>Judge Dan A. Polster</p>
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**STATUS REPORT  
OF AUBURN PHARMACEUTICAL COMPANY**

Defendant Auburn, by its undersigned attorneys, respectfully submits this Status Report. Since the last Status Report was submitted in this matter, Auburn has provided the below listed Plaintiffs, via their attorneys, with the market share data for the jurisdiction in which each Plaintiff has sued the Defendant. It has also sent each Plaintiff a letter demonstrating that Auburn is not a viable defendant and its inclusion as a Tier 3 Defendant only weakens and dilutes the strength of each Plaintiff's case in this Lawsuit.

<b>List #</b>	<b>Case Caption</b>	<b>Court, and Case Number</b>	<b>Plaintiff's Counsel</b>
1	Morgan County Commission v. Purdue Pharmaceutical Products L.P., et al.	N.D. Ohio 1:18-op-45444	Stephen G. Skinner
2	Wayne County Fiscal Court v. AmerisourceBergen Drug Corporation et al.	N.D. Ohio 1:18-op-45389	Anthony J. Majestro
3	Family Practice Clinic of Booneville, Inc. et al. v. Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., et al.	N.D. Ohio 1:18-op-45390	David J. Guarnieri
4	Bon Secours Health System, Inc. et al. v. Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., et al.	N.D. Ohio 1:18-op-45819	David J. Guarnieri

<b>List #</b>	<b>Case Caption</b>	<b>Court, and Case Number</b>	<b>Plaintiff's Counsel</b>
5	Bon Secours Health System, Inc. et al. v. Actavis Pharma, Inc. f/k/a Watson Pharma, Inc., et al.	N.D. Ohio 1:18-op-45820	David J. Guarnieri
6	Kentucky River District Health Department v. Actavis Pharma, Inc. f/k/a Watson Pharma, Inc.	N.D. Ohio 1:19-op-45050	David J. Guarnieri
7	Saginaw Chippewa Indian Tribe v. Cephalon, Inc., et al.	N.D. Ohio 1:19-op-45841	Holly H. Dolejsi
8	City of Canton, et al. v. Purdue Pharma, L.P., et al.	N.D. Ohio 1:19-op-45462	William Q. Bird
9	County of Curry, et al. v. Purdue Pharma, L.P. et al.	N.D. Ohio 1:19-op-45512	Amy Bruning
10	Adams County et al v. Purdue Pharma, L.P. et al	N.D. Ohio 1:18-op-46062	Jarom A. Whitehead
11	Canyon County v. Purdue Pharma LP et al	N.D. Ohio 1:18-op-46277	Kenneth L. Pedersen
12	Bingham County v. Purdue Pharma LP et al	N.D. Ohio 1:19-op-45758	Kenneth L. Pedersen
13	Westmoreland County, Virginia et al v. Purdue Pharma L.P. et al	1:19-op-45993	William Q. Bird
14	County of Ballard Kentucky v. Purdue Pharma, L.P. et al	1:18-op-45593	David G. Bryant
15	City of Prestonsburg v. AmerisourceBergen Drug Corporation, et al	1:19-op-45294	Emily Ward Roark
16	Klamath Tribes v. Purdue Pharma L.P. et al	1:19-op-45786	JOHN MCNEILL BROADDUS
17	Berkeley County Council v. Purdue Pharmaceutical Products, LP et al	1:17-op-45171	Andrew C. Skinner

In addition, Auburn filed a Status Report identifying the cases filed against it where it was not timely served or able to find a Plaintiff Fact Sheet filed. Auburn also followed-up with each of the Plaintiffs who failed to timely serve Auburn and requested dismissal for failure to effect service of process upon Auburn within the time limit set forth in Federal Rule of Civil Procedure. The acceptable methods for service of a summons and complaint in federal court are set forth in

Federal Rule of Civil Procedure 4. With regard to the time period for proper service, Rule 4(m) states:

**(m) Time Limit for Service.** If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—**must dismiss** the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under [Rule 71.1\(d\)\(3\)\(A\)](#). (*emphasis added*).

So far, two Plaintiffs have agreed to voluntarily dismiss Auburn based upon its recent requests, specifically Morgan County Commission (Case: 1:18-op-45444-DAP Doc #: 65 Filed: 02/21/23 1 of 2. PageID #: 389), and Berkely County Council (Case: 1:17-op-45171-DAP Doc #: 103 Filed: 02/21/23 1 of 2. PageID #: 499). All the Plaintiffs filed suit against Auburn more than one year ago. One Plaintiff, the County of Curry is attempting to is attempting to serve Auburn for the first time ever since filing its lawsuit in 2019. (See, Service by Clerk. Summons and Complaint addressed to Auburn Pharmaceutical Company placed in U.S. Mail. Type of service: Certified Mail. Receipt # 9314 7699 0430 0104 6169 37. (F,ML) Docket Number 43).

This Status Report is submitted without the admission of any liability on behalf of Auburn and its Defendant Family and without waiving or prejudicing any and all defenses and objections to the claims against Auburn and its Defendant Family including, without limitation, bar by the statute of limitations, waiver, laches, and estoppel, failure to state a claim upon which relief can be granted, no causation, improper service, lack of service, lack of personal jurisdiction, and/or dismissal as a party.

Dated: March 8, 2023

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I certify that the foregoing was electronically filed on March 8, 2023, with the Clerk of Court using the CM/ECF notification system thereby giving notice to all counsel of record.

/s/ James C. Wright.  
James C. Wright, Attorney at Law